

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:21CR14-1
	:	
MARIELA ZAVALA MENDOZA,	:	
also known as Mariela Ochoa	:	

FACTUAL BASIS IN SUPPORT OF GUILTY PLEA

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, pursuant to Federal Rule of Criminal Procedure 11(b)(3), and states the following:

On November 14, 2018, the Drug Enforcement Administration – Raleigh, North Carolina District Office (DEA-RAL), opened an investigation into the reported distribution of cocaine hydrochloride in the Chapel Hill, North Carolina area. During March 2019, upon the execution of lawfully obtained search warrants at several residences, the DEA and local law enforcement, (the Orange County North Carolina Sheriff’s Office), arrested a subject – cooperating defendant 1 (hereinafter CD-1) – who was found in possession of 394 grams of cocaine hydrochloride (cocaine). The drugs were seized from a residence located in Carrboro, North Carolina. The cocaine was

shipped to CD-1 from a source of supply in Ceres, California, who was later identified as Francisco Javier Ochoa, Jr. In addition to the cocaine found inside the parcel, the agents and officers seized from this location an additional 48 grams of cocaine, 15.75 pounds of marihuana, \$17,775.00 in U. S. currency, 189 Xanax pills, steroids, human growth hormone, and other narcotics. A search at a second location associated with CD-1 in Hillsborough, North Carolina, resulted in the seizure of 133 pounds of marihuana, a rifle, and approximately \$10,000 in U. S. currency.

After an examination of information found in CD-1's telephone handset, and information obtained from the United States Postal Inspection service, Postal Inspectors determined that the package of cocaine seized from CD-1 was likely mailed from a location in Ceres, California. Law enforcement officers determined that Ochoa was associated with this address. Agents compared a known photograph of Ochoa to surveillance images obtained from the post office in Ceres, California at the time the parcel was shipped. They concluded that Francisco Javier Ochoa, Jr. was the person shown in the surveillance footage who mailed the package to CD-1.

CD-1 has submitted to several debriefings with DEA agents and officers. On August 6, 2019, CD-1 met with a special agent (SA) and task force officer (TFO) with the DEA and advised them he had been involved in the distribution of cocaine and marihuana since 2017. He stated he initially

obtained approximately 4 ounces of cocaine from Travis Michael Evans, whose source of supply was Ochoa.

CD-1 stated he eventually began dealing directly with Ochoa, after CD-1 and Evans had a dispute. Based on the evidence obtained during the investigation in the form of interviews, electronic communications, and electronic money transfers between CD-1 and Ochoa, it appears that CD-1 obtained marihuana and cocaine from Ochoa from March 2017, up to the time of CD-1's arrest on March 22, 2019.

During his interview, CD-1 estimated that he received two (2) kilograms of cocaine hydrochloride and two hundred (200) pounds of marihuana per week from the Ochoa during the two-year period referenced herein. CD-1 stated he initially paid Ochoa \$32,000.00 per kilogram of cocaine. The price eventually dropped to \$21,000.00 or \$22,000.00 per kilogram. CD-1 transmitted United States currency to Ochoa, through the United States Postal Service, to an address in Ceres, California provided by Ochoa. The packages of cash were usually addressed to Ochoa's wife – MARIELA ZAVALA MENDOZA, a.k.a., Mariela Ochoa. CD-1 stated the money was packaged together in bundles of \$1000.00 and placed in vacuum-sealed bags. Each bag was capable of holding approximately \$50,000.00. CD-1 stated he shipped Ochoa packages of cash in payment for cocaine every one-to-two weeks. The investigation also revealed that CD-1 and others

transmitted drug payments to Ochoa using services such as Venmo, an automated payment service.

MARIELA ZAVALA MENDOZA and Francisco Javier Ochoa, Jr. utilized ZAVALA MENDOZA's Wells Fargo bank account,<sup>1</sup> ending in 7834 to structure the deposits of cash drug proceeds in order to evade the reporting requirement set out in Title 31, United States Code, Section 5313(a), in that the deposits were under \$10,000.00. Between March 30, 2018 and April 15, 2018, Ochoa and/or ZAVALA MENDOZA deposited a total of \$24,980.00 in cash into the aforementioned account. The deposits were made at a Wells Fargo Bank located in Durham, North Carolina.

Based on bank and iCloud records obtained during the investigation, the DEA learned that ZAVALA MENDOZA deposited a total of \$6,680 of the total \$24,980 on April 15, 2018, by making \$600.00 cash deposits into a Wells Fargo ATM located in Durham, North Carolina. Ochoa made cash deposits at the same Wells Fargo bank on March 30, 2018 (\$6000.00), April 6, 2018 (\$2500.00), and April 9, 2018 (\$9800.00). ZAVALA MENDOZA aided and abetted Ochoa in making these deposits by providing her bank account number. She did so knowing the deposits were cash proceeds derived from illegal drug activity, and knowing the deposits were structured in order to

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<sup>1</sup> Wells Fargo is a "financial institution" as that term is defined in 31 U.S.C. § 5312(2)(A).

avoid the reporting requirements under Title 31, United States Code, Section 5313(a).

This, the 15th day of January, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2021, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Lisa S. Costner, Esq.

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